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20548 RFQS

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Corres. Control RFP

12-05-05 MB
Date By

Ref. Ltr. #

OE ORDER #

5400.11

Bill Owens, Governor
Douglas H. Benevento, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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November 28, 2005

Mr. John J. Rampe
Director, Project Management Division
U.S. Department of Energy, Rocky Flats Project Office
12101 Airport Way, Unit A
Broomfield, Colorado 80021-2583

Mr. David C Shelton
Vice President, Environmental Systems and Stewardship
Kaiser-Hill Company
Rocky Flats Environmental Technology Site
12101 Airport Way, Unit B
Broomfield, Colorado 80021-2583

RE: Permit Modification Request, #05-02, Change of Operator

Dear Mr. Rampe and Mr. Shelton:

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the "Division"), has reviewed, and hereby approves, Permit Modification Request #05-02 in correspondence from Kaiser-Hill dated October 6, 2005. This Class I permit modification request, requiring prior written approval from the Division, incorporates changes to Part I - Standard Conditions and Part IX - Training.

This revision replaces Kaiser-Hill, as operator and permittee, with The United States Department of Energy. In accordance with Section 100.51(b) of the Colorado Hazardous Waste Regulations, this approved permit modification shall become effective immediately. Procedures for appeal of this decision are contained in Section 100.514. Please ensure that all individuals on the facility mailing list are notified of the modification within ninety days of this approval per 6 CCR, §100.63(a)(ii).

For all copies of the permit, please discard double-sided sheet, pages ii & II-i, and replace with punched single-sided pages ii, iii and I-i. Further, incorporate punched double-sided sheets, permit pages I-1 & I-2 and IX-10 & IX-11. Also included for your information are highlighted sheets that show the actual modifications made to permit pages I-2 and IX-10.

The Division acknowledges receipt of an amended Part A Application reflecting the change of operator, new facility contact, and new mailing address. The Division accepts the existing Part XVIII certification of the owner, i.e., Barbara Mazurowski, without change. This acceptance is in recognition that the certification pertains principally to the information submitted in the Part B to support the current permit, and that, all subsequent modifications to the permit have been minor.

If you have any questions concerning this correspondence, please contact me at 303-692-3328 or Harlen Ainscough at (303) 692-3337.

Sincerely,

David A. Kruchek
Acting Rocky Flats Oversight Unit Leader

Attachments

cc: Carl Spreng, CDPHE
M. Aguilar, USEPA Region VIII
Administrative Record, Mountain View

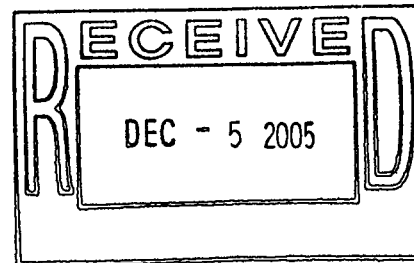
D. Miller, AGO
S. Garcia, City of Broomfield



**Colorado Department
of Public Health
and Environment**

2005 DEC -5 A 4 34
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THE
CITY
OF
NEW
YORK



ADMIN RECORD

SW-A-005178

FACILITY: ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE (RFETS)

ADDRESS: 10808 Highway 93
Golden, Colorado 80403-8200

EPA ID. #: CO7890010526

Permit No.: CO-04-06-18-01

Pursuant to the Colorado Hazardous Waste Act (Title 25 Article 15, Section 101 et seq.) hereafter called "the Act", and regulations promulgated thereunder by the Colorado Hazardous Waste Commission (Codified and to be codified in Title 6 of the Code of Colorado Regulations (CCR)), a State RCRA Permit is issued to the United States Department of Energy and to Kaiser-Hill Company, L.L.C. (jointly, "the Permittee"), to operate a ~~hazardous and mixed waste~~ facility located in Jefferson County, Colorado, centered at Latitude 39° 53' 30" North and Longitude 105° 11' 30" West. The Permittee must comply with all terms and conditions of this permit.

This Permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 6 CCR 1007-3, Parts 260 through 268, 2, 99, and 100 as specified in the Permit. Applicable regulations are those which are in effect on the date of issuance of this Permit. This Permit is based on the assumption that the information submitted to the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (CDPHE) in the Permittee's Part A and Part B permit application attached to the Permittee's letter dated December 20, 2001, as modified by a subsequent amendment dated October 22, 2003 (hereafter referred to as the application), and additional information submitted to clarify previously submitted material, is accurate.

Any inaccuracies found in this information may be grounds for the termination or modification of this Permit (see 6 CCR 1007-3, Section 100.6) and potential enforcement action. The Permittee must inform the Hazardous Materials and Waste Management Division of CDPHE of any deviation or changes in the application which would affect the Permittee's ability to comply with the applicable regulations or permit conditions.

This permit is effective as of July 23, 2004, (30 days after issuance) and shall remain in effect until July 23, 2009 (5 year duration) unless revoked and reissued, or terminated under 6 CCR 1007-3, Section 100.61.

Signed: Joan W. Sowinski
Joan Sowinski, Program Manager
Federal Facilities Program
Hazardous Materials and Waste Management Division

23 June 04
Date

PART I- STANDARD CONDITIONS

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RFETS Permit No. CO-04-06-23-01

November 28, 2005
Revision 3

ID No. CO7890010526

Modification No. 04-01 Effective Date September 7, 2004
Modification of Part VIII - Contingency Plan

Modification No. 05-01 Effective Date March 29, 2005
Modification of Part VIII - Contingency Plan – Attachment E

Modification No. 05-02 Effective Date November 28, 2005
Modification of Part I – Standard Conditions
Modification of Part IX – Training

(To change facility operator from Kaiser-Hill Company to U.S. Department of Energy)

PART I - STANDARD CONDITIONS

EFFECT OF PERMIT

The Permittee is allowed to store and treat hazardous waste in accordance with the conditions of this Permit. The storage and treatment of hazardous waste is allowed only if conducted in accordance with this Permit, applicable law, compliance orders or agreements. Existing Interim Status Units are covered under previous submittals and will continue to be regulated under the interim status requirements of the Colorado Hazardous Waste Regulations, 6 CCR 1007-3, Part 265. This Permit incorporates by reference certain documents, plans and procedures (the "Incorporated Documents"). Information in each Incorporated Document which is required by Parts 100, 264, and 268 of the Colorado Hazardous Waste Regulations is subject to enforcement under the Colorado Hazardous Waste Act (CHWA).

Compliance with this Permit constitutes compliance, for purposes of enforcement with the Colorado Hazardous Waste Act (the Act) C.R.S. §25-15-101 et seq. and regulations promulgated thereunder. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State, or local laws or regulations. Compliance with the terms of this Permit does not automatically constitute compliance with other Federal, State or local laws or regulations. Compliance with the terms of this Permit does not constitute a bar to any order issued or any action brought under the imminent hazard provisions of the Act, Sections 3008(a), 3008(h), 3013 or Section 7003 of RCRA (42 U.S.C. §6901 et seq.); Sections 106 (a), 107, 104, or 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq. commonly known as CERCLA), or any other applicable law providing for imminent hazard protection of public health or the environment.

This Permit applies to and requires compliance for hazardous wastes. This Permit does not apply to requirements for radioactive materials managed by the U.S. Department of Energy (DOE) pursuant to the Atomic Energy Act, 42 U.S. C., Section 2011, et seq.

There have been releases of hazardous wastes and constituents from solid waste management units into the environment at Rocky Flats. Accelerated corrective and remedial actions to address these releases are being regulated by the Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA) under the Rocky Flats Cleanup Agreement, Compliance Order on Consent No. 96-07-19-01 ("RFCA"). Following implementation of these accelerated corrective and remedial actions, the CDPHE will be making a final corrective action decision for each Operable Unit (OU). The final corrective action decisions will be incorporated as modifications to this Permit. If the RFCA is terminated before all corrective action has been taken, this Permit shall be modified to incorporate requirements of the RFCA that are requirements of CHWA.

I.A. PERMIT ACTIONS

This Permit may be modified, revoked and reissued, or terminated for cause as specified in 6 CCR 1007-3, Section 100.6. The filing of a request for a permit modification, revocation and reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition

I.C. DEFINITIONS

For the purposes of this Permit, terms used herein shall have the same meaning as those in 6 CCR 1007-3, Parts 2, 99, 100, 260, 264, 266, and 268, unless this Permit specifically provides otherwise. Where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term. The following definitions are applicable within this Permit.

“Director” - the Executive Director of the Colorado Department of Public Health and Environment, or designee or authorized representative.

“Division” - the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division.

“Hazardous Waste” – means a hazardous waste as defined in 6 CCR 1007-3, Part 261. The term “hazardous waste” as used in this Permit includes “mixed waste” as defined below.

“Mixed waste” – Means waste that contains both hazardous waste and source, special nuclear, or byproduct material subject to the Atomic Energy Act of 1954 (42 U.S.C. § 2011 et seq.). Mixed waste includes the radioactive waste classifications of Low-level, Transuranic, and Residue.

“Owner/operator” - The United States Department of Energy.

“Permittee” - The United States Department of Energy (DOE).

I.D. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstance and the remainder of this Permit shall not be affected thereby.

I.E. DUTIES AND REQUIREMENTS

I.E.1. Duty to Comply

The Permittee shall comply with all conditions of this Permit after its effective date. Except to the extent and for the duration certain noncompliance is authorized by an emergency Permit or other agreement or order authorized by the Director, non-compliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

I.E.2. Duty to Reapply

If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a new permit at

POSITION FUNCTION: HAZARDOUS WASTE MGMT. GUIDANCE

Description:

These personnel provide direction, guidance, and oversight to the activities that are subject to RCRA requirements. This position applies only to personnel who provide for the direct interface to ensure hazardous waste management commitments are carried out and activities are performed within the confines of RCRA regulations and the RCRA permit. Personnel in this category will contact and interface with various waste management groups in order to support, communicate, and assess assigned units, areas, buildings, or plant-site for proper waste management conditions such that there are no deficiencies in the Site procedures, RCRA Permit, state of Colorado regulations, or agreements.

Typical Work Performed:

- Reports to operational organizations and provides general and specific hazardous waste management technical guidance to facility management, RCRA unit owners, custodians, inspectors, and floor-level personnel.
- Consults with operations and program personnel on the proper implementation of RCRA requirements.
- Reviews project/program engineering, and operations documents for RCRA implications and provides necessary revision input.
- Coordinates/assists in collection of data for RCRA reports and permit applications.
- Coordinates response actions or resolutions to regulatory and internal inspections, appraisals, and audits.
- Provides floor level direction on emergency response and notification for hazardous waste occurrences.
- Ensures that the Building Book(s) are maintained as current and accurate.
- Conducts inspections, assessments, and appraisals and reports the results.
- Assists facility/operations management in identifying and maintaining proper documentation regarding the operating record and environmental compliance.
- Acts as liaison between facility/operations management and CDPHE, and DOE.
- Arranges area tours/inspections for CDPHE, Environmental Protection Agency (EPA), DOE, and contractor organizations, participates on the tours/inspections, and completes appropriate pre-and post-status requirements.
- Conducts area/building specific reviews of RCRA training documentation, (i.e. waste generator, RCRA Waste Management) concerning area/building specific qualification, guides and recordkeeping.
- Establishes an environmentally responsible culture through formal training and awareness briefings and then assesses actual compliance performance.
- Develops periodic environmental reports, guidance documents, awareness information, and operator aids.
- Assesses effectiveness of the implementation of environmental protection management systems, programs, and procedures to demonstrate proper compliance posture.
- Make recommendations to the Shift Manager or Operations Manager concerning shutdown of an operation within their designated buildings if compliance with applicable RCRA requirements is in question.
- Initiates closure plans and coordinates closure of RCRA units.

RCRA Training Requirements: Refer to the Training Matrix in Appendix A.

NOTE: Documentation as a member in good standing of the National Registry of Environmental Professionals and documentation of annual proficiency maintenance would allow for an exception from completing the Required Continuing Training shown in Appendix A.

POSITION FUNCTION: HAZARDOUS WASTE MGMT. PERSONNEL

Description:

Hazardous waste management personnel include those individuals who manage hazardous waste in a hazardous waste management unit which is defined as a Satellite Accumulation Area, 90-day Accumulation Area, Container Storage Unit, 90-day Accumulation Tank, Mixed Residue Tank, Tank Storage Unit, or RCRA Treatment Unit. Duties performed by these personnel include storing waste, inspecting hazardous waste management units, processing waste for offsite disposal, implementing the contingency plan, and performing proper emergency response (including but not to exceed the level of training for this position). The training requirements for this position are also applicable for the immediate supervisors of these personnel.

Typical Work Performed:

- Functions as a RCRA Custodian and/or performs unit inspections for accumulation, storage, or treatment units.
- Functions as a RCRA Custodian and/or performs inspections for RCRA tanks.
- Performs transfers of RCRA regulated liquid waste.
- Performs specific hands on duties directly involved with hazardous waste at a storage/treatment facility.
- Supervises personnel who perform any of the above work.

RCRA Training Requirements: refer to the Training Matrix in Appendix A.

I.C. DEFINITIONS

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Typical Work Performed:

- Reports to operational organizations and provides general and specific hazardous waste management technical guidance to facility management, RCRA unit owners, custodians, inspectors, and floor-level personnel.
- Consults with operations and program personnel on the proper implementation of RCRA requirements.
- Reviews project/program engineering, and operations documents for RCRA implications and provides necessary revision input.
- Coordinates/assists in collection of data for RCRA reports and permit applications.
- Coordinates response actions or resolutions to regulatory and internal inspections, appraisals, and audits.
- Provides floor level direction on emergency response and notification for hazardous waste occurrences.
- Ensures that the Building Book(s) are maintained as current and accurate.
- Conducts inspections, assessments, and appraisals and reports the results.
- Assists facility/operations management in identifying and maintaining proper documentation regarding the operating record and environmental compliance.
- Acts as liaison between facility/operations management and CDPHE, DOE, and EPA.
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- Conducts area/building specific reviews of RCRA training documentation, (i.e. waste generator, RCRA Waste Management) concerning area/building specific qualification, guides and recordkeeping.
- Establishes an environmentally responsible culture through formal training and awareness briefings and then assesses actual compliance performance.
- Develops periodic environmental reports, guidance documents, awareness information, and operator aids.
- Assesses effectiveness of the implementation of environmental protection management systems, programs, and procedures to demonstrate proper compliance posture.
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RCRA Training Requirements: Refer to the Training Matrix in Appendix A.

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10/10